

DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED

JUL 27 2004
CLERK, U.S. DISTRICT COURT By _____ Deputy

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ROYE B. SAMPLE, JR., JOHN
DAUGHTERY, BRIAN ADAIR, TOM
QUINN, AND DONALD PAYTON,
on behalf of themselves and all others
similarly situated,

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Plaintiffs,

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v.

* Civil No. 3: 04-CV-1153-H

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FEDERAL RESERVE BANK OF DALLAS,

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*
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Defendant.

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O R D E R

Before the Court are Plaintiffs' Motion for Notice to Potential Plaintiffs and Limited Expedited Discovery, filed May 27, 2004, and the Agreed Stipulation Regarding Issuance of Notice and Joint Motion for Hearing on Proposed Notice to Potential Class Members, filed July 26, 2004.

In their Motion for Notice, Plaintiffs request notice pursuant to the Fair Labor Standards Act, 29 U.S.C. § 216(b), and expedited discovery. In the Agreed Stipulation, Defendant agrees to court-ordered issuance of the Joint Proposed Notice to Potential Class Members in the form attached to the stipulation as Exhibit A. Defendant agrees to provide Plaintiffs' counsel the names and addresses requested by Plaintiffs in their Motion for Notice, and to have Plaintiffs' counsel send the Joint Proposed Notice to Potential Class Members to all current and former federal law enforcement officers, federal reserve police, federal law

enforcement reserve officers, protection officers, corporals and other employees, regardless of precise title, who acted to provide security for the Federal Reserve Bank of Dallas as hourly paid non-exempt employees from June 1, 2001, to the present.

Accordingly, Plaintiffs' Motion for Notice and Limited Expedited Discovery is **GRANTED** to the extent agreed to by Defendant in the Agreed Stipulation. The Court AUTHORIZES Plaintiffs' counsel to issue notice to the putative class in the form of the Joint Proposed Notice to Potential Class Members attached to the Agreed Stipulation as Exhibit A. The putative class will have 60 days from this Order to respond to the court-authorized notice.

SO ORDERED.

DATED: July 27, 2004.


BAREFOOT SANDERS, SENIOR JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

IMPORTANT NOTICE TO POTENTIAL CLASS MEMBERS

TO: ALL FEDERAL RESERVE OFFICERS AND CORPORALS, REGARDLESS OF PRECISE TITLE, WHO ACTED TO PROVIDE SECURITY FOR THE FEDERAL RESERVE BANK OF DALLAS AS HOURLY PAID EMPLOYEES, FROM JUNE 1, 2001 TO THE PRESENT.

RE: RIGHT TO JOIN LAWSUIT SEEKING TO RECOVER UNPAID OVERTIME COMPENSATION

DATE: JULY ___, 2004.

1. PURPOSE

The purpose of this Notice is let you know about a lawsuit that you may be allowed to join because you may be "similarly situated" to other employees of the Federal Reserve Bank of Dallas who started this law suit. This Notice describes how your rights under the Fair Labor Standards Act (the "FLSA") may be affected by this lawsuit, and to instruct you on the procedure for being part of this lawsuit, if you decide to do so.

This Notice is only for the purpose of determining the identity of those persons who wish to be involved in this case and has no other purpose. Your right to participate in this suit may depend upon a later decision by the United States District Court that you and the Representative Plaintiffs are actually "similarly situated."

2. DESCRIPTION OF THE LAWSUIT

A lawsuit has been brought by Roye Sample Jr., Donald Payton, John Daugherty, Brian Adair and Tom Quinn ("Plaintiffs") against Federal Reserve Bank of Dallas, in the United States District Court for the Northern District of Texas. The lawsuit alleges that the Federal Reserve Bank of Dallas failed to pay overtime compensation as required by the FLSA. Plaintiffs' attorney in this case is:

Jeremi K. Young (www.jrlawfirm.com)
RASANSKY LAW FIRM
2525 McKinnon; Suite 725
Dallas, Texas 75201
Telephone : 214-651-6100 or Toll-Free 800-704-3578
Facsimile: 214-651-6150

Generally, the law requires that an employee be paid time and one-half for all hours worked over forty hours per week, unless that employee is "exempt" from the



overtime provisions of the FLSA. The Plaintiffs in this lawsuit claim that they worked more than forty hours a week, but were not always paid overtime for those hours.

Specifically, Plaintiffs allege they are, for the most part, only paid for the time they are scheduled to work even when they actually work more than their scheduled time. In addition, Plaintiffs claim that before and after their scheduled shifts they are required to get to work and put on uniforms, boots, clips, sprays, guns, and other equipment. Some of the equipment must be checked-out and some of it must be removed from a locker where it is kept between shifts. Plaintiffs claim that these requirements take a significant amount of time and that they are not paid for that time. Plaintiffs are suing to recover unpaid overtime for June 1, 2001 to the present.

Defendant denies that it has improperly failed to pay Plaintiffs for work time or for overtime.

3. COMPOSITION OF THE CLASS

The men who brought this suit are also seeking to sue on behalf of other employees with whom they believe are similarly situated including federal law enforcement officers, federal reserve police, federal law enforcement reserve officers, protection officers, and other employees, regardless of precise title, who acted to provide security for the Federal Reserve Bank of Dallas as hourly paid employees, from June 1, 2001 to the present.

4. YOUR RIGHT TO PARTICIPATE IN THIS SUIT

If you fit the definition above and if you worked overtime hours for which you were not compensated, you may have a right to participate in this lawsuit.

5. HOW TO PARTICIPATE IN THIS LAWSUIT

Enclosed you will find a form entitled "Opt-in Consent Form" ("Consent Form"). If you choose to join this lawsuit, **it is extremely important that you read, sign and return the Consent Form**. An addressed and postage paid envelope is enclosed for your convenience. Should the enclosed envelope be lost or misplaced, the Consent Form should be sent to:

Overtime Lawsuit Against Federal Reserve Bank of Dallas
RASANSKY LAW FIRM
2525 McKinnon; Suite 725
Dallas, Texas 75201

The signed Consent Form must be postmarked no later than September ___, 2004. If your signed Consent Form is not postmarked by September ___, 2004, you will not be able to participate in any recovery obtained from Federal Reserve Bank of Dallas in this lawsuit. If you have any questions about filling out or sending the Consent Form, please contact Plaintiffs' counsel listed on page one of this notice.

6. NO RETALIATION PERMITTED

It is a violation of federal law for the Federal Reserve Bank of Dallas to fire, discharge, or in any manner discriminate or retaliate against you for taking part in this lawsuit.

7. EFFECT OF JOINING THIS SUIT

If you choose to join this lawsuit, you will be bound by the judgment, whether it is favorable or unfavorable. You will also be bound by, and will share in, any settlement that may be reached on behalf of the class.

By joining this lawsuit, you designate the Representative Plaintiffs as your agents to make decisions on your behalf concerning this litigation, the method and manner of conducting this litigation, the entering of an agreement with Plaintiffs' counsel concerning fees and costs, and all other matters pertaining to this lawsuit. These decisions and agreements made and entered into by the Representative Plaintiffs will be binding on you if you join this lawsuit.

The Representative Plaintiffs in this matter have entered into a contingency fee agreement with Plaintiffs' counsel, which means that if there is no recovery, there will be no attorneys' fees or costs chargeable to you. If there is a recovery, Plaintiffs' counsel will receive a part of any settlement obtained or money judgment entered in favor of all members of the class. You may request a copy of the contingency fee agreement executed by the Plaintiffs in this matter from Plaintiffs' counsel at the address or telephone numbers that appear on page one of this notice.

8. NO LEGAL EFFECT IN NOT JOINING THIS SUIT

If you choose not to join this lawsuit, you will not be affected by any judgment or settlement rendered in this case, whether favorable or unfavorable to the class. You will not be entitled to share any amounts recovered by the class.

If you chose not to mail in the Consent Form, you are choosing not to join the lawsuit filed by Plaintiffs. You will not be bound by any judgment or settlement rendered in this case. You will be free to file your own lawsuit, subject to any defenses that might

be asserted. If you do not join, this suit will not stop the running of the statute of limitations as to any claims you might have until you opt-in to it.

9. FURTHER INFORMATION

Further information about this Notice or the lawsuit may be obtained from Plaintiffs' counsel at the website, address, or telephone numbers listed on page one of this Notice.

THE FEDERAL DISTRICT COURT HAS AUTHORIZED THE PARTIES IN THIS CASE TO ISSUE NOTICE AND ITS CONTENTS, BUT TAKES NO POSITION REGARDING THE MERITS OF THE PLAINTIFFS' CLAIMS OR OF THE DEFENDANT'S DEFENSES.

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